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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,002	12/12/2000	Michael D. Bullock	Y00-044	3382

7590 04/11/2002

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EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/735,002	BULLOCK ET AL.
	Examiner Tom P Duong	Art Unit 3711
-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --		
<b>Period for Reply</b> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b> <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>12 December 2000</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL.                  2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<b>Disposition of Claims</b> <p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-16</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-16</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b> <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<b>Priority under 35 U.S.C. §§ 119 and 120</b> <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
<b>Attachment(s)</b> <p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>		

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5, 8-11, 13, and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tylisz (D387404) in view of Hsu (5,388,832). Tylisz shows a putter comprising a putter head disposed at a lower end of the shaft that comprises: flat ball contact surface that comprises a sweet spot of the putter head and lateral portions that taper rearwardly away from the ball contact surface, the lateral portions of the front surface are flat surface, and cavities formed in a rear portion (See Fig. 1). Although Tylisz shows a front surface but it does not define the front surface being relatively “small”. It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the front surface of Tylisz to have a smaller contact surface as described by the Applicant to let the user know whether or not the ball is struck properly at its sweet spot. Furthermore, a change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1995). Tylisz does not show the shaft is straight and the shaft has an offset but it has a bore to receive a shaft. Hsu teaches that the shaft is straight (10) and has an offset relative to the striking surface (See Fig. 1). Thus, it would have been obvious to Tylisz and one having ordinary skill in the art

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at the time of the invention was made to include a straight shaft and a shaft with an offset as taught by Hsu to provide the golfer better guidance of hitting the golf ball at the sweet spot.

Regarding claims 4 and 12, although Tylisz does not show a body having a trapezoidal shape but it would have been obvious to Tylisz and one having ordinary skill in the art at the time of the invention was made to modify the putter of Tylisz to a trapezoidal shape or variation of other shapes. In addition, the Applicant should also note that a change in shape in the shape of the prior art device is a design consideration within the skill in the art. *In re Dailey*, 357 F 2.d 669, 149 USPQ 47 (CCPA 1966).

2. Claims 6 and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the references as applied in claims 1 and 9, and further in view of Prueter (4,121,833). Tylisz does not show the lateral portions of the front surface are curved surfaces. Prueter teaches that the striking surface (39) has a curved configuration (See Fig. 11). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the striking surface of Tylisz to a curved surface as taught by Prueter in order to maintain an accurate path despite the inadvertent twisting of the face of the club during the stroking operations.

3. Claims 7 and 15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the references as applied in claims 1 and 9, and further in view of Swash (D234,962). Tylisz shows a bore to receive a shaft but it does not show the openings at the lateral ends. Swash teaches that the lateral end has an opening (See Figs. 2 and 3). Thus, it would have been obvious in view of Swash to one having ordinary skill in the art to modify the putter of Tylisz to include openings at the lateral ends as taught by Swash. One would have been motivated to do so to have a putter for either right or left-handed golfer.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4119.

TD  
Examiner  
April 2, 2002

  
Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700